

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DERRICK HILL,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTION,

Defendant.

No. 2:24-CV-1607-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On June 17, 2024, the Court directed Plaintiff to file a first amended complaint within 30 days. Plaintiff was warned that failure to file an amended complaint may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. As of August 1, 2024, Plaintiff had not filed a first amended complaint and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. See ECF No. 11.

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On August 12, 2024, Plaintiff filed a document, which has been docketed as a motion for clarification, inquiring as to why Plaintiff is receiving mail in this case from both this Court as well as the United States District Court for the Northern District of California. See ECF No. 12. Attached to Plaintiff's filing is a notice from the Northern District regarding documents Plaintiff submitted to that court on or about July 15, 2024. See id. at 3. The notice informs Plaintiff that his filings were being returned because the action had been transferred to this Court. See id.

It appears that Plaintiff attempted to comply with this Court's June 17, 2024, order to file a first amended complaint by filing his amended pleading in the Northern District, which is where his case originated. Given Plaintiff's good faith attempt to comply with this Court's order, the Court will vacate the August 1, 2024, findings and recommendations and provide Plaintiff additional time to file his first amended complaint as previously directed. Plaintiff is again informed that all documents in this case must be filed with the Clerk's Office of this Court in Sacramento, California. The Northern District action was closed upon transfer to this Court.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations issued on August 1, 2024, ECF No. 11, are vacated.
2. The Clerk of the Court is directed to forward to Plaintiff a copy of the Court's June 17, 2024, order at ECF No. 7.
3. Plaintiff shall file a first amended complaint as directed in the June 17, 2024, order within 30 days of the date of this order.
4. The Clerk of the Court is directed to terminate ECF No. 12 as a pending motion.

Dated: October 4, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE